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## **SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

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**FILED ELECTRONICALLY**

November 3, 2005

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

RE: VERIZON WIRELESS' REQUEST FOR LIMITED WAIVER  
OF THE DECEMBER 31, 2005 DEADLINE TO ACHIEVE  
NINETY-FIVE PERCENT PENETRATION OF LOCATION-  
CAPABLE HANDSETS AMONG ITS SUBSCRIBERS  
WT Docket 05-301

Dear Ms. Dortch:

The South Dakota Public Utilities Commission (SDPUC) submits this letter in support of Verizon Wireless' request for a limited waiver of the December 31, 2005 deadline to achieve 95 percent penetration of location-capable handsets among its subscribers. Verizon Wireless is requesting an additional six months to meet the deadline.

The SDPUC notes that it recently submitted comments in support of the Rural Cellular Association's and CTIA's Joint Petition for Suspension or Waiver of the Location-Capable Handset Penetration Deadline. In its comments, the SDPUC supported a suspension of the deadline primarily due to the fact that, for many South Dakota consumers, higher-powered analog phones provide consumers with safer, more reliable cell phone service than the newer digital phones. This is because digital signal strength continues to be insufficient to allow the completion of a cell phone call in numerous areas of rural South Dakota. The SDPUC's comments pointed out "that it does a customer little good to have a digital phone capable of pinpointing the customer's location if there is insufficient, or zero, digital signal strength to complete the emergency call." (SDPUC's Comments in Support of Joint Petition at 3.)

In its request, Verizon Wireless notes that some customers in rural areas have requested that they be allowed to continue to use handsets with 3-watt booster capability. Verizon Wireless states that "it would be unprecedented and ill-advised for the Commission to demand strict compliance that would compel the company to force customers to swap out their handsets." (Verizon Wireless' Request for Limited Waiver at 17.) The SDPUC agrees. The SDPUC continues to believe that a suspension of the deadline is in the best interests of consumers and, therefore, supports Verizon Wireless' request for a limited waiver.

Thank you for your consideration of these comments and if you have any questions, please do not hesitate to contact us.

Sincerely,

/s/ Rolayne Ailts Wiest  
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